

**REMARKS**

Reconsideration of the present application, as amended, is respectfully requested.

**A. STATUS OF THE CLAIMS**

As result of the present amendment, claims 1-6, 8-14, 16-26 and 33 remain for continued prosecution.

Claims 2-5 have been amended to include variables "d" and "e" for "C(=Y<sub>1</sub>)" and "(C=Y<sub>2</sub>)" corresponding to those of claim 1. Support can be found, for example, at page 15, line 6 through page 16, line 2 and claim 1. The recitations for L<sub>1</sub> and L<sub>2</sub> have been removed from claims 4 and 5, respectively.

Claims 8, 11-14 and 17 have been amended to remove the term "residue".

Claim 9 has been amended to remove "terminally branched" polymers.

Claim 15 has been cancelled without prejudice.

Claim 19 has been amended to include the formulae of Va and Vb. Support can be found, for example, at page 15, line 6 through page 16, line 2 and claim 1.

Claim 25 has been amended to recite "x" not "n" for the repeating unit of PEG. Support can be found, for example, at page 21, lines 4-5. The claim has been further amended to include the subject matter in cancelled claim 7.

Claims 24-25 have been amended to remove embodiments including terminally branched polymers.

Dependency and informalities found in some of the pending claims have been corrected. No new matter has been added.

**B. OBJECTION**

At page 3 of the Office Action, claim 8 has been objected to because the claim depended from cancelled claim 7. As a result of the amendment to claim 8, claim 8 depends from claim 1, thus, obviating the need for this objection.

**C. CLAIM REJECTIONS UNDER 35 USC § 112, SECOND PARAGRAPH**

At pages 3-4 of the Office Action, the Examiner has rejected to the subject matter of claims 4-5, 9-20 and 26 under 35 U.S.C. §112, second paragraph, as allegedly indefinite.

Concerning the Examiner's comments that there is insufficient basis for the limitation in each of claims 4-5, Applicants respectfully disagree. Applicants have amended the claims to clarify the subject matter originally claimed. Support for the amendments can be found, for example, at pages 9-10, paragraphs [0021] and [0022] of the specification and claims 2-3. Claim 2 recites that a capping group such as OH, NH<sub>2</sub> and the formula of Va (equal to "(i)" as recited in claim 4) is attached to R<sub>1</sub>. Accordingly, the formula of claim 4, (i)-R<sub>1</sub>-(i), is directed to one of the embodiments recited in claim 2 wherein the capping group is the formula of Va (or "(i)'), and Qb is H. Similarly, the formula of claim 5, (ii)-R<sub>2</sub>-(ii), is directed to one of embodiments recited in claim 3 wherein the capping group is the formula of Vb (or "(ii)") and Qa is H.

Concerning the Examiner's comments on claim 9 and dependent claims 10-20, the Examiner has taken the position that a "linear" polyethylene glycol is claimed in claim 1. Applicants respectfully disagree. The R<sub>1</sub> group of claim 1 includes "branched" and "multi-armed" polyalkylene oxides as well as the "linear" polyalkylene oxide as proposed by the Examiner. See page 12, paragraph [0025], lines 17-20. Accordingly, some preferred embodiments of the "branched" and "multi-armed" polymers are described on pages 16-17, paragraph [0030]; and pages 19-21, paragraph [0033] of the specification. Applicants wish to draw the Examiner's attention that "R'<sub>1</sub>" having the linear polyethylene glycol is part of each of the polymer arms in the branched and multi-armed polymers, instead of "R<sub>1</sub>" referring to the general polymers of claim 1 including linear, branched and multi-armed polymers.

Concerning the Examiner's comments on claim 21 and dependent claims 22-23, and claim 26, Applicants respectfully disagree. Similarly, the reasons set forth above are incorporated herein.

It is respectfully submitted that the claims are in proper form and that the all of the issues mentioned by the Examiner on pages 3-4 of the Office Action are fully addressed. Reconsideration and removal of the rejection is respectfully requested.

#### **D. CLAIM REJECTIONS UNDER 35 USC 102(e)**

At pages 4-5 of the Office Action, claims 15 and 24-25 are rejected under 35 USC 102(e) as allegedly anticipated by US Patent Application Publication No. 2002/0103259. ('259 application) In response, for the purposes of expediting the prosecution and without admitting appropriateness of the rejection, Applicants submit a declaration under 37 CFR 1.132. The

declaration states that any invention disclosed but not claimed in the '259 application was derived from the inventor of this application and is thus not the invention "by another". Moreover, the subject matter of claims 15 and 24-25 which have been also rejected based on double patenting has been removed from the claims.

Accordingly, reconsideration and removal of the rejection is respectfully requested.

#### **E. DOUBLE PATENTING**

At pages 5-6 of the Office Action, the Examiner has rejected claims 15 and 24-25 based on the double patenting rejection over Patent Application Publication No. 2002/0103259, now US Patent No. 6,638,499. In response, for the purposes of expediting the prosecution and without admitting appropriateness of the rejection, Applicants have cancelled claim 15 without prejudice. As a result of the amendments to claims 24-25, the claims do not recite embodiments containing the mentioned terminally branched polymers, thus, obviating the need for this rejection.

Reconsideration and removal of the rejection is respectfully requested.

#### **F. ALLOWABLE SUBJECT MATTER**

Applicants note with appreciation that the Examiner has indicated that claims 1-3, 6 and 33 include allowable subject matter. Applicants respectfully urge that in view of the current amendment, all of the currently examined claims are in condition for allowance.

#### **G. FEES**

This response is being filed within a shortened period for response. Thus, no further fee is believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to deposit account 02-2275. Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

**H. CONCLUSION**

In view of the actions taken and arguments presented, it is respectfully submitted that each and every one of the matters raised by the Examiner have been addressed by the present amendment and that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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